

REMARKS

The indicated allowance of Claims 26 and 27 and the allowability of Claims 11, 14 and 17 are acknowledged.

Added independent Claim 42 is directed to the embodiment of the presently cancelled Claim 11.

Added independent Claim 43 is directed to the embodiment of the presently cancelled Claim 14.

Added Independent Claim 44 is directed to the embodiment of the presently cancelled Claim 17.

The invention is directed to a molding composition the components of which include

(A) grafted rubber the polymerization of which having been initiated by ammonium, potassium or sodium peroxodisulfate and

(B) grafted rubber the polymerization of which having been initiated by a redox system. The glass transitions temperatures of the rubbers of (A) and (B) are lower than 0°C.

Claims 1-10, 12, 13 and 18-24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Koyama et al. (U.S. Patent 5,236,911).

Koyama was earlier noted by the Examiner to have disclosed (in Examples 10-12) a methyl methacrylate containing rubber grafted in the presence of persulfate (Example 9) and combined with a "two layer" polymer (Example "1(a)") that is grafted using a redox system.

The Applicant has presented declaratory evidence pointing to that the glass transition temperature of the two layer polymer of Example 1a is about 95°C, and at any rate above 0°C. The exemplified composition further contains a rigid methacrylic resin powder (per (b) in Example 1), and acrylic rubber (per (a) of Example 9). Neither the rigid methacrylic resin powder nor the acrylic rubber is seen to describe components A or B of the presently claimed composition.

In maintaining the rejection the Examiner states that the instant claims "require at least one rubber having a glass transition temperature lower than 0°C". This characterization is erroneous as the claimed composition requires at least two

Mo-6482

- 12 -

such rubbers. Component A and component B, each of which entails grafted rubber having a glass transition temperature lower than 0°C.

Koyama falls short of describing the claimed composition in the manner required by Section 102.

The rejection under Section 102 is requested to be reconsidered and in light of the above withdrawn.

Claims 28-41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al.

The Koyama document has been discussed above and its shortcoming in the present context noted. Nothing in Koyama describes or suggests the presently claimed invention that requires the inclusion of at least two grafted rubbers having the recited glass transition temperatures. The rejection alleging obviousness is clearly untenable and its retraction is respectfully urged.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicant requests the earliest issuance of an indication to this effect.

Respectfully submitted,

By



Aron Preis
Attorney for Applicant
Reg. No. 29,426

Bayer Polymers LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3814
FACSIMILE PHONE NUMBER:
(412) 777-3902
s:\shared\kgb\lap2898am

Mo-6482

- 13 -